

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NANCY REID,

Plaintiff,

v.

**OPTUMHEALTH CARE SOLUTIONS,
INC., and UNITEDHEALTH GROUP
INCORPORATED,**

Defendants.

No. 3:12-cv-00747-ST

OPINION AND ORDER

MOSMAN, J.,

On October 11, 2012, Magistrate Judge Stewart issued her Findings and Recommendation (“F&R”) [43] in the above-captioned case, recommending that defendants’ motion to compel arbitration [7] be granted in part and denied in part. Specifically, she recommended that the Arbitration Policy’s limitations on the production of documents and depositions be severed and that the parties be ordered into arbitration with that restriction. In addition, she recommended that this action be dismissed with prejudice and without any award of attorney fees to defendants. Plaintiff filed objections [45], and defendants responded [47].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R [43] as my own opinion.

IT IS SO ORDERED.

DATED this 28 day of December, 2012.

/s/Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge

